IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 336 of 1997

Between:

1. Manam venkateshwrulu s/o rama swamy
   aged about 62 years, Occ: Agriculture,

r/o garikapadu viiage, kaukmamu mandal, Guntur dist.
2. Smt.murru suvarchala devi, w/o late veeraiah choudhary,
   aged about 50 years, Occ: House-wife,

r/o garikapadu viiage, kaukmamu mandal, Guntur dist.
3. Smt.Nagabyru drakshayani w/o subba rao
   aged 38 years, Occ: Housewife,

r/o Pusuluru Village, Pedanandipadu mandal,
guntur dist.
4. Smt.kondra subhashini w/o appa rao
   aged 35 years, House wife,

r/o garikapadu viiage, kaukmamu mandal, guntur dist.

..... PETITIONERS

AND

1. The District Collector
   Guntur
2. The Revenue Divisional Officer,
   Thenali, Guntur dist.
3. The Mandal Revenue Officer,
   Kakumanu Mandal, Guntur dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an

appropriate writ, order or direction more particularly in the nature of mandamus declaring the action of the respondents in proposing to acquire the lands extent being AC.5.55 cents in S.Nos.368/1-A & 368-3B, situated at Garikapadu village, Kakumanu Mandal, Guntur dist, belonging to petitioners for the purpose of providing house sites patta, to the weaker sections without following the mandatory procedure as contemplated under the land acquisition act though the same is not suitable for house sites as arbitrary, illegal, unfair and unjust.

Counsel for the Petitioners: MR.P.KESAVA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

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ORDER:

Petitioners, who are claiming to be the owners of land admeasuring Ac.5-55 cents in S.No.368/1-A and 368-3B situated at Garikapadu village, filed the present writ petition, questioning the notification issued under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act'), for acquiring the lands in question for the purpose of providing house sites to the weaker sections. Petitioners were issued notices under Sections 9(3) and 10 of the Act, informing that their lands were sought to be acquired by dispensing with the enquiry under Section 5-A of the Act.

The learned Government Pleader for Revenue, based upon the letter received from the Collector and District Magistrate, Guntur, in D.Dis.No.303/94 G2, dated 12-09-2004, informed that since there is no demand from the beneficiaries for provision of house sites in that village, the Land Acquisition proposals were dropped, and in view of the same, no award could be passed and the impugned notification was lapsed.

In view of the submission made by the learned Government Pleader that the impugned notification is lapsed, as no award under Section 11 of the Act has been passed, no orders need to be passed in this writ petition.

Writ Petition is accordingly dismissed. No costs.

19-11-2004

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Copy to:

1. The District Collector
   Guntur
2. The Revenue Divisional Officer,

Thenali, Guntur dist.

3. The Mandal Revenue Officer,
   Kakumanu Mandal, Guntur dist.

4. Two CCs to the G.P. for Revenue,

High Court Buildings, High Court of A.P., Hyderabad.(O.U.T.)

5. Two CD copies.